

**REMARKS/ARGUMENTS**

Claims 1-47 are presently pending. Claims 1-13, 15, 20, 23, 24, 41, 42, and 44 are amended. Claims 1, 13, 15, 24, and 41 are independent claims.

In view of the amendments and the following remarks, it is respectfully requested that the Examiner reconsider and withdraw the claim rejections.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 41-47 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Particularly, the Examiner indicates that "the kiosk" in claim 41 (line 3) lacks antecedent basis. The Examiner further indicates that "the included attribute" in claim 44 also lacks antecedent basis.

Applicant respectfully submits that, in view of the above claim amendments, there is now sufficient antecedent basis for the features in claims 41 and 43.

**Claim Rejections Under 35 U.S.C. § 101**

Claims 1-12 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject

matter. Specifically, the Examiner asserts that the claims are directed to a computer program *per se*.

In an effort to expedite prosecution, Applicant has amended independent claim 1 to claim "[a] computer-implemented method." Applicant respectfully submits that method claims constitute statutory subject matter under § 101.

Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1-47 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,369,908 to Frey et al. (hereinafter Frey) in view of U.S. Patent No. 5,983,236 to Yager et al. (hereinafter Yager). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Initially, Applicant maintains the argument presented in the Reply filed on June 22, 2004 that the combination of Frey and Yager is improper because they are not analogous to one another. However, for purposes of brevity, these arguments will not be repeated here in their entirety.

Claims 1-23 and 41-47

In the Reply filed on June 22, 2004, Applicant argued that Frey's teaching of converting an image between a memory format, a display format, and a storage medium format is fundamentally different from converting an image file format of an image, as previously recited in independent claims 1 and 13.

In page 7 of the outstanding Office Action, the Examiner responds to this argument by asserting that:

...the conversion to output data in Frey is from the "common" format of the processor to another "image file format" such as that recorded on a medium or transmitted over the internet to the customer's email address.

Applicant respectfully disagrees with this assertion. Specifically, Applicant notes that, in relation to image formatting, the general term "format" encompasses at least the following two categories of terminology:

- (1) image file formatting in which the image file format defines how a computer will read and interpret the image data stored therein, regardless of the type of computer, and
- (2) memory formatting in which digital data is arranged on a recordable medium (such as a computer disk, and wherein the specific memory formatting of the data defines a physical arrangement of information on the computer disk where such arrangements may cause disk reading compatibility issues between different computers.

As such, when the Examiner asserts that Frey must convert the image file format of Frey's images to correspond to the selected

storage device (see Office Action at page 3), it is clear that the Examiner is mistaking "image file format" for "memory format." It is the memory formatting -- not the image file format -- that is dependent upon the type of output medium.

The Examiner's misunderstanding of the term "image file format" is also clear from page 4 of the Office Action, where he suggests that after an image is acquired, it is converted to the "'common image file format' of the monitor" as it is displayed. According to the Examiner, the computer would change the image file format of the image as it interprets and displays the image data. However, this simply is not the case.

As discussed above, the image file format specifies how the computer reads and interprets the image data. In order to display the image data, the computer must interpret the data *according to the image file format*. Thus, the computer *does not change* the image file format when the computer displays the image on a monitor.

However, in an effort to more clearly distinguish the claimed invention over Frey and Yager, Applicant has amended independent claims 1, 13, and 15 to recite that an image is converted, thereby creating a converted image file corresponding to a common image file format. These claims also recite that image processing is carried out on the converted image file, and that the processed

image file is converted, thereby creating an output image file corresponding to one of a plurality of different image file formats.

Also, independent claim 41 has been amended to recite that image processing is performed on an image file in a common image file format, and that the processed image file is converted, thereby creating an output image file corresponding to an output image file format.

For reasons discussed above, Applicant respectfully submits that Frey does not teach or suggest converting an image file, thereby creating another image file corresponding to another image file format, as required by claims 1, 13, 15, and 41.

As to Yager, Applicant notes that the Examiner in fact does suggest that Yager requires conversion at input (see Office Action at page 9). In particular, the Examiner argues that Yager works with plural sources of image and media content. However, Applicant respectfully submits that Yager fails to remedy the deficiencies of Frey.

Yager discloses a system for retrieving video clips from a server. Although Yager teaches that the video clip may be received image, audio, and text components, there is no teaching of converting image file types after these components are assembled into the video clip file. Even though Yager teaches that "GIF,

TIF, or BMP formats can be *substituted for* the JPEG decoder of the present embodiment" (see col. 7, lines 51-53; emphasis added), Yager does not teach or suggest that the GIF, TIF or BMP format can be *converted to* the JPEG format. In other words, Yager does not suggest including GIF, TIF, or BMP type processing capabilities *in addition to* JPEG.

As such, it is respectfully submitted that similar to Frey, Yager fails to teach or suggest processing an image file, and converting the file type of the processed image file to create an output image file, as required by claims 1, 13, 15, and 41.

Accordingly, Applicant respectfully submits that the combination of Frey and Yager, either taken alone or in combination, fails to teach or suggest each and every claimed feature in independent claims 1, 13, 15, and 41. Furthermore, it is respectfully submitted that claims 2-12, 14, 16-23, and 42-47 incorporate these features by virtue of their dependency on claims 1, 13, 15, and 41. At least for these reasons, Applicant submits that claims 1-23 and 41-47 are in condition for allowance.

Thus, reconsideration and withdrawal of the § 103 rejection of claims 1-23 and 41-47 is respectfully requested.

Claims 24-40

As amended, independent claim 24 recites a first processing device creating a text order file, which is sent along with an image to a second processing device to indicate a type of image processing to be performed on that image to satisfy a service request.

In the outstanding Office action, the Examiner asserts that in the combination of Frey and Yager would "treat the Frey 'kiosk' as a server, and then perform the 'processing' on the 'second processing device' so as to generate [Yager's] final MULTIMEDIA PRESENTATION" (see Office Action at page 7; emphasis not added).

As such, Applicant respectfully submits that the proposed combination of Frey and Yager would not teach or suggest creating a text order file, which indicates input service requests, to identify the types of processing to be performed on the received image files. Instead, according to the Frey/Yager combination, the server would send *synchronization information* with the components, to indicate how the video clip should be processed. See Yager at col. 3, lines 42-50.

There is no teaching or suggestion in Yager that such synchronization information is a text file. Nor is there any teaching or suggestion that the synchronization information would indicate any service requests, which are input. Yager only teaches

that the synchronization information contains data indicating points of temporal correlation between the various video clip components.

As such, Applicant respectfully submits that Frey and Yager fail to disclose sending a text order file to indicate image processing to be performed on an image to satisfy a service request, as required by independent claim 24. Applicant respectfully submits that claim 24 is allowable at least for this reason. Furthermore, it is respectfully submitted that claims 25-40 are allowable at least by virtue of their dependency on claim 24.

Thus, the Examiner is respectfully requested to reconsider and withdraw the § 103 rejection of claims 24-40.

**Conclusion**

Entry of this Amendment After Final is respectfully requested. In view of the above amendments and remarks, Applicant respectfully submits that the pending claims are now in condition for allowance. Accordingly, the Examiner is respectfully requested to issue a Notice of Allowance in connection with the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is encouraged to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned in order to conduct an interview in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Michael R. Cammarata, #39,491

MRC/JWR/kpc

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000